

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROSETTA-WIRELESS CORP., an Illinois)
Corporation,)
Plaintiff)
v.) Civil Action No. _____
APPLE INC., a California Corporation,)
SAMSUNG ELECTRONICS CO. LTD., a)
Foreign Corporation, SAMSUNG)
ELECTRONICS AMERICA, INC., a New)
York Corporation, SAMSUNG)
TELECOMMUNICATIONS AMERICA,)
LLC, a California Corporation, MOTOROLA,)
INC., a Delaware Corporation, MOTOROLA)
MOBILITY LLC, a Delaware Corporation, LG)
ELECTRONICS CO., a Foreign Corporation,)
LG ELECTRONICS USA INC., a Delaware)
Corporation, HIGH TECH COMPUTER)
CORP., a/k/a HTC CORP., a Foreign)
Corporation, and HTC AMERICA INC., a)
Washington Corporation,)
Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rosetta-Wireless Corp. (“Rosetta” or “Plaintiff”) hereby alleges by way of complaint against Defendants Apple Inc., Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, Motorola, Inc., Motorola Mobility LLC, LG Electronics Co., LG Electronics USA Inc., High Tech Computer Corp., a/k/a HTC Corp., and HTC America Inc. (collectively, “Defendants”) as follows:

THE PARTIES

1. Rosetta is a corporation organized and existing under the laws of Illinois. Rosetta was founded in 2000 to develop and market novel solutions to consumers' wireless

access problems. Rosetta has a principal place of business at 15522 Hawkhaven Road, Homer Glen, IL 60441.

2. Upon information and belief, Defendant Apple, Inc. is a corporation organized and existing under the laws of California, having a principal place of business at 1 Infinite Loop, Cupertino, CA 95014. Apple is registered to do business in Illinois and can be served with process through its registered agent, CT Corporation System, at 208 S. LaSalle St, Suite 814, Chicago, IL 60604.

3. Upon information and belief, Defendant Samsung Electronics Co. Ltd. is a foreign corporation with corporate headquarters at 250, 2-ga, Taepyung-ro, Jung-gu, Seoul 100-742, Republic of Korea. Samsung Electronics Co. Ltd. does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of cellular telephone devices that are accused of patent infringement in this case.

4. Upon information and belief, Defendant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of New York, having a principal place of business at 85 Challenger Road, Ridgefield Park, NJ 07660. Samsung Electronics America, Inc. is registered to do business in Illinois and can be served with process through its registered agent, CT Corporation System, at 208 S. LaSalle St, Suite 814, Chicago, IL 60604.

5. Upon information and belief, Defendant Samsung Telecommunications America, LLC is a corporation organized and existing under the laws of California, having a principal place of business at 1301 E Lookout Dr., Richardson, TX, 75082. Samsung Telecommunications America, LLC is registered to do business in Illinois and can be served with process through its registered agent, ILL Corporation Service Co., at 700 South Second Street, Springfield, IL 62704.

6. Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC are referred to collectively as "Samsung."

7. Upon information and belief, Defendant Motorola, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 1303 East Algonquin Road, Schaumburg, Illinois 60196. Motorola is registered to do business in Illinois and can be served with process through its registered agent, CT Corporation System, at 208 S. LaSalle St, Suite 814, Chicago, IL 60604.

8. Upon information and belief, Defendant Motorola Mobility LLC is a corporation organized and existing under the laws of Delaware, having a principal place of business at 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654. Motorola Mobility is registered to do business in Illinois and can be served with process through its registered agent, CT Corporation System, at 208 S. LaSalle St, Suite 814, Chicago, IL 60604.

9. Motorola, Inc. and Motorola Mobility LLC are referred to collectively as "Motorola."

10. Upon information and belief, Defendant LG Electronics Co. is a foreign corporation having a place of business at LG Twin Towers 20, Yeouido dong, Yeongdeungpo-gu, Seoul, Republic of Korea 150-721 with its United States headquarters at 10101 Old Grove Road, San Diego CA 92131. LG Electronics Co. does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of cellular telephone devices that are accused of patent infringement in this case.

11. Upon information and belief, Defendant LG Electronics USA Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632. LG Electronics USA Inc. is registered to do

business in Illinois and can be served with process through its registered agent, United States Corporation Co., at 801 Adlai Stevenson Drive, Springfield, IL 62703.

12. LG Electronics Co. and LG Electronics USA Inc. are referred to collectively as “LG.”

13. On information and belief, Defendant High Tech Computer Corp., a/k/a HTC Corp., is a foreign corporation with corporate headquarters at 23 Xinghua Road, Taoyuan 330, Taiwan. HTC Corp. does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of cellular telephone devices that are accused of patent infringement in this case.

14. Upon information and belief, Defendant HTC America Inc. is a corporation organized and existing under the laws of Washington, having a principal place of business at 13920 SE Eastgate Way, Ste. 200, Bellevue, WA 98005. HTC America Inc. is registered to do business in Illinois and can be served with process through its registered agent, National Registered Agents Inc., at 200 W. Adams Street, Chicago, IL 60606.

15. High Tech Computer Corp., a/k/a HTC Corp. and HTC America Inc. are referred to collectively as “HTC.”

JURISDICTION AND VENUE

16. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that each Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Plaintiff to relief.

INFRINGEMENT

17. On December 12, 2006, United States Patent No. 7,149,511 (the “’511 Patent”) was issued for inventions titled “Wireless Intelligent Personal Server.” On January 10, 2012, an Ex Parte Reexamination Certificate was issued regarding Claims 1 and 58 of the ’511 Patent. Rosetta owns, and during all relevant times, has owned, all right, title and interest in the ’511 Patent, which is attached hereto as Exhibit A.

18. Upon information and belief, Defendants have infringed directly and indirectly, and continue to infringe directly and indirectly the ’511 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, or offer for sale within the United States, or the importation into the United States of products that embody the patented invention, including the products listed for each Defendant in the attached Exhibit B. Defendants are liable for infringement of the ’511 Patent pursuant to 35 U.S.C. § 271.

19. The acts of infringement by Defendants have caused damage to Rosetta, and Rosetta is entitled to recover from Defendants the damages sustained by Rosetta as a result of Defendants’ wrongful acts in an amount subject to proof at trial. The infringement of Rosetta’s exclusive rights under the ’511 Patent by Defendants has damaged and will continue to damage Rosetta, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

20. To the extent required, Rosetta has complied with 35 U.S.C. § 287(a). Rosetta has never sold a product in the United States and is therefore not required itself to mark products, nor has it licensed the ’511 Patent.

JURY DEMAND

21. Plaintiff hereby demands a trial by jury on all issues.

PRAYER FOR RELIEF

Wherefore, Rosetta requests entry of judgment in its favor and against Defendants as follows:

- a) A declaration that Defendants, and each of them, have infringed and are infringing the '511 Patent;
- b) An injunction against Defendants' continuing infringement;
- c) An award of damages to Rosetta arising out of Defendants' infringement of the '511 Patent, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) Costs and other relief as the Court may deem just and proper.

Date: January 27, 2015

STADHEIM & GREAR, LTD.

/s/ *Kyle L. Harvey*

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LOCAL RULE 3.2 NOTIFICATION AS TO AFFILIATES

Pursuant to Local Rule of Civil Procedure 3.2, the undersigned counsel for Rosetta-Wireless Corp. (a private non-governmental party) certifies that it does not have any publicly held members.

Date: January 27, 2015

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/s/ Kyle L. Harvey

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NOTICE OF CLAIMS INVOLVING PATENTS

Pursuant to Local Rule 3.4, the Plaintiffs hereby give notice that the complaint includes claims for patent infringement and further provide the information required by 35 U.S.C. § 290. The names and addresses of the parties are: (1) Rosetta-Wireless Corporation, P.O. Box 6307 Oakbrook Terrace, Illinois. The patent is U.S. Patent No. 7,149,511. The inventors on U.S. Patent No. 7,149,511 are Edward F. Bachner, III, John Major, and Xin Du.

Date: January 27, 2015

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